

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9404 of 2016

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1. Lal Babu Sahu son of Sri Nand Lal Sahu Resident of village - Kakar,
P.O. Rahiya Kochi, P.S. Hathauri, Block - Shivaji Nagar, District -
Samastipur.

.... Petitioner/s

Versus

1. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
2. The State Election Commission, The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
3. The Secretary, The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
4. The District Election Officer (Panchayat), Samastipur, District - Samastipur.
5. The Returning Officer (Panchayat Election), Shivajee Nagar Block, District - Samastipur.
6. Pradip Mahto son of Late Ram Bilas Mahto Resident of village - Kakar, P.O. Rahiya Kochi, P.S. Hathauri, Block - Shivaji Nagar, District - Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. B. K.Manglam, Adv.

For the Respondent/s : Mr. Amit Shrivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 28-06-2016 Heard Mr. S.B.K. Mangalam, learned counsel for the
petitioner.

The petitioner prays for a declaration that 56 votes polled at Booth No.233 in Gram Panchayat Raj, Rahiyar South under Shivaji Nagar Block of Samastipur in the district of Samastipur be held valid inasmuch as it has been wrongly rejected at the time of counting of votes by the Returning Officer. The issue raised by the petitioner requires appreciation of evidence and unless the ballots are examined, the grievance cannot be redressed.

The petitioner is trying to raise such issue which requires appreciation of evidence. The remedy for the relief prayed is available to the petitioner under the Bihar Panchayat Raj Act and the election rules framed thereunder and can well take recourse to the same.

No cause of indulgence is made out. The writ petition is disposed of.

(Jyoti Saran, J)

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